

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

RICHARD M. EDWARDS, D.D.S.  
RESPONDENT.

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FINAL DECISION AND ORDER  
91 DEN 6, 90 DEN 42, 89 DEN 43

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Richard M. Edwards, D.D.S.  
605 W. Wisconsin Avenue  
Sparta, WI 54656

Wisconsin Dentistry Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard M. Edwards, D.D.S. ("Edwards"), 605 W. Wisconsin Avenue, Sparta, WI 54656, is and was at all times relevant to the events set forth herein a dentist licensed to practice in the State of Wisconsin pursuant to license # 5001597, granted on June 3, 1976.

2. From October, 1987 to January 29, 1991, Edwards employed two dental assistants in his practice of dentistry and did not employ a dental hygienist.

3. During this period, Edwards would testify that he made efforts to recruit and retain a dental hygienist without success.

4. One of the assistants employed since October, 1987 was routinely scheduled to perform prophylaxes on patients, including "some" scaling.

5. Between July 1, 1990 to January 29, 1991, this same assistant performed over 500 prophylaxes and one sealant treatment.

6. Edwards represents that he has discontinued his use of unlicensed dental assistants to perform tasks requiring licensure under Chapter 447, Wis. Stats. and assures the Board that he will comply with the requirements of the law concerning the use of dental assistants.

#### CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to Secs. 15.08(5) and 447.07(3), Wis. Stats.

2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached Stipulation pursuant to Sec. 227.44(5), Wis. Stats.

3. Respondent Richard M. Edwards is subject to disciplinary action pursuant to sec. 447.07(3)(j), Wis. Stats., by employing directly or indirectly any unlicensed person to perform any act requiring licensure under Chapter 447, Wis. Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that consistent with Respondent Richard M. Edwards' agreement and in lieu of other discipline:

1. The dental license (# 5001597) of Respondent Richard M. Edwards be, and hereby is, *SUSPENDED* for a period of seven (7) days, effective thirty (30) days after the date of this Final Decision and Order.

2. Respondent Richard M. Edwards will pay the following within six (6) months of the date of this Final Decision and Order:

- a. Five hundred (\$500) dollars as a forfeiture.
- b. One hundred fifty (\$150) dollars as reimbursement to the Department of Regulation and Licensing for costs relating to the investigation of files # 91 DEN 6, 90 DEN 42 and 89 DEN 43.

3. Respondent Richard M. Edwards will discontinue his use of unlicensed dental assistants to perform tasks requiring licensure under Chapter 447, Wis. Stats. and will comply with the requirements of the law concerning the use of dental assistants.

IT IS FURTHER ORDERED, that investigative files # 91 DEN 6, 90 DEN 42 and 89 DEN 43 be closed.

Dated this 3 day of July, 1991.

WISCONSIN DENTISTRY EXAMINING BOARD

by: Eric C. O'Neil

5-21-91

Richard M. Edwards RME

STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

RICHARD M. EDWARDS, D.D.S.  
RESPONDENT.

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STIPULATION  
91 DEN 6, 90 DEN 42, 89 DEN 43

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It is hereby stipulated between Richard M. Edwards, personally on his own behalf and the Department of Regulation and Licensing, Division of Enforcement, by its attorney Richard Castelnuevo, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Richard M. Edwards ("Respondent") by the Division of Enforcement (91 DEN 6, 90 DEN 42 and 89 DEN 43). Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of his right to seek legal representation and has been provided the opportunity to obtain legal advice prior to execution of this Stipulation.

5. Respondent represents that he has discontinued the use of unlicensed dental assistants to perform tasks requiring licensure under Chapter 447, Wis. Stats. and assures the Board that he will comply with the requirements of the law concerning the use of dental assistants.

6. With respect to the attached Final Decision and Order, Respondent admits the facts in the Findings of Fact, and agrees that the Board may reach the Conclusions of Law and enter the Order set forth in par. 7 below.

7. Respondent specifically agrees that the Board in lieu of other action authorized by law may enter an Order suspending Respondent's license, requiring the payment of a forfeiture and costs, and requiring him to comply with his representations and assurances concerning the use of dental assistants.

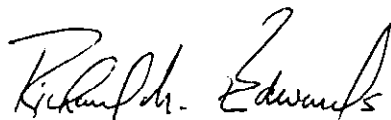
8. Respondent understands and agrees that should the Board adopt this Stipulation, the Final Decision and Order adopting the terms of the Stipulation shall be published in the Monthly Disciplinary Report issued by the department, and a summary of the Board's order adopting the terms of the Stipulation shall be published in the Wisconsin Regulatory Digest issued semiannually by the department.

9. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

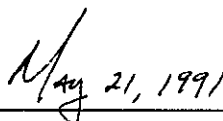
10. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

11. Respondent agrees that complainant's attorney, Richard M. Castelnuovo, may appear at any deliberative meeting of the Board with respect to this Stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

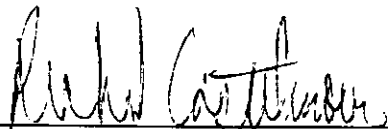
12. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



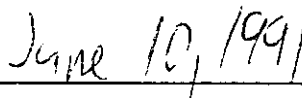
Richard M. Edwards



Date



Richard M. Castelnuovo, Attorney  
Division of Enforcement



Date

## **NOTICE OF APPEAL INFORMATION**

**(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)**

**The following notice is served on you as part of the final decision:**

### **1. Rehearing.**

**Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Dentistry Examining Board.**

**A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.**

### **2. Judicial Review.**

**Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Dentistry Examining Board**

**within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.**

**The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Dentistry Examining Board.**

**The date of mailing of this decision is** July 10, 1991.